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Penalties are provided for common carriers and their officers and agents who give any rebate or make any discrimination by any device whatever, and like penalties are prescribed for the receiver of the rebate or discrimination. Penalties are also provided for divulging information of a shipment to any one but the shipper or consignee.

The new law requires carriers to give a written statement of rates between any points on application by any person or company and penalizes failure or refusal to do so or any misstatement of the rate in writing.

Power is given to the commission to refuse to file any schedule which does not give notice of its effective date.

Some of the proposals which did not get into the enacted law were: legalizing pooling agreements; physical valuation of railroads; an analysis of classifications and tariffs every six months. The first two were in fact the only proposal of either political party which were not adopted. Physical valuation of railroads was passed by the House, defeated in the Senate and left out of the conference report. Legalizing pooling agreements under control of the Interstate Commerce Commission was provided for in the administration measure, but was defeated in the Senate. The provision for an analysis of classifications and tariffs was inserted by the Senate but was left out in the conference report. This would have enabled the commission to make the schedules filed with them intelligible by the careful analysis of statistical experts.

The law takes effect in sixty days except the provisions relating to investigations of proposed increases in rates and for an investigation of stock and bond issues which took effect on passage.

JOHN A. LAPP.

Old Age Pensions—French Act of 1910. One of the most important and far-reaching pieces of social legislation taken up by the French Chambers for many years has been under discussion during the past winter and finally passed early in April. France has now followed in the footsteps of Germany and Great Britain in providing for the necessities of her working people, or rather forcing them and their employers to make provision and then assisting them with a state allowance. The British Act of 1908 already described in this Review (February 1909, pp. 68-73) places the financial burden wholly on the imperial treasury, requiring no previous contributions by the receiver of a pension. The only conditions are that the man or woman shall have reached the age of 70, been a British subject for the previous twenty years, and have

no more than £31 10s. annual income. The amount of the weekly pension is fixed according to a sliding scale, varying according to the income of the recipient.

According to the German system inaugurated in 1889, the cost of insurance is met partly by the employers and partly by the employees with the addition of a state allowance. The recipient of an invalidity or old age pension must have paid the legal contributions for 200 weeks in case of invalidity or 1200 weeks in the case of old age, and must have become unable to earn a livelihood or have completed the seventieth year of life. The contributions of the employer are equal to those of the employee, and the Empire adds 50 marks annually to every pension granted. The premiums and the resultant pensions are graduated into five classes determined partly by the amount of the annual wages. The old age pension thus varies in amount from 110 marks to 230 marks a year, including the Imperial subsidy.

The French Old Age Pensions Act follows the general plan of the German rather than the British system. It applies to both sexes employed in industry, commerce, the liberal professions, agriculture, and domestic service, and to government employees both national and local, except those already eligible for civil or military pensions; but no person receiving an annual wage of over 3000 francs is included. Even those who later get as much as 3000 francs cease to be insured, though retaining the rights already acquired. All persons coming within the scope of the law are obliged to make contributions which must be duplicated by the employer, at the rate of nine francs a year for men, six francs for women, and four and one-half francs for minors under eighteen years of age. The government supplies each worker with a card on which the payments of employers and employed must be recorded by means of stamps bought from the government or the authorized societies or savings banks. The amount of the annuity to be paid is to be computed according to regular actuarial tables, and will depend on the total amount of premiums paid. To this annuity is added a state allowance of 60 francs a year at age 65, provided at least 30 annual payments have been made. If less than 30 and over 15 such payments have been made, the state allowance is one and one half francs for every year of such payments. A sliding scale is fixed making the state allowance higher for those who are over 45 years of age when the law takes effect, those between 64 and 65 receiving from the state an allowance of as much as 100 francs a year when pensioned. The normal age of retirement is thus 65; but a pension can be claimed by any one qualified after

he reaches 55, subject to a proportionate reduction of the state allowance.

The cases of persons who are over 65 years of age when the law goes into operation will be provided for by administrative regulation, but the amount of the state allowance can not be over 100 francs a year. If the insured dies before he can claim a pension, his children under sixteen will receive 50 francs a month for six months, if they are three or more in number; 50 francs a month for five months, if two in number; and 50 francs a month for four months, if only one. If a widow is left without children under sixteen, she will receive 50 francs a month for three months; but none of these accrue unless the deceased paid at least three-fifths of the payments required for an old age pension. If the insured is prematurely and permanently incapacitated from work, he can anticipate the pension, proportionately reduced according to the number of premiums he has paid, and the state will add up to 60 francs a year, providing the total annuity is never over 360 francs a year.

In framing the bill great pains have been taken not to interfere with the work of friendly or mutual aid societies. When approved by the government, these have the right to collect the contributions of their members under the pension scheme and will receive a government allowance as indemnity for their trouble. Persons who are buying a home or small field or garden are likewise allowed to apply their payments to that instead of the pension. Likewise when the annuity in course of acquisition exceeds 180 francs, the insured can after medical examination change it to a life insurance policy or can apply it to the purchase of a home which will become inalienable and unseizable. The pension scheme is to be administered by the minister of labor and a superior council in which senators, deputies, councillors of state, societies for mutual help, savings banks, employers, employees, and the institute of actuaries are to be represented. A great variety of institutions are named through which the insured may pay his premiums, and the investment of the funds is very carefully regulated. Employers and employees are penalized if they fail to affix the correct stamps to the card of each individual insured when the wages are paid.

One of the features of the law which occasioned much debate is that which provides that tenant farmers, *métayers*, artisans, and small employers who work alone or with one employee and the members of their own families living with them, can participate in the pension scheme if they desire. *Métayers* may pay from six to nine francs a year, and the owner of the land they till must pay a like amount. The other classes

may pay from nine to eighteen francs a year. Those whose premiums amount to eighteen francs a year (including the employer's share in the case of the *métayers*) receive the same state allowance as other workers unless the farmer owns land worth over 600 francs. The ministry at first excluded these classes from the application of the pension scheme, but later included them. Their inclusion was vigorously opposed on the ground that *métayers* are not in a position analogous to industrial employees, but are practically owners, and that the burden and complexity of requiring the landowner to pay for his *métayer's* pension would be too great.

Another fundamental question about which discussion turned was whether payment of premiums and consequent participation in the pensions should be made obligatory on the classes affected or merely optional. The bill as originally passed by the Chamber of Deputies made the payments obligatory, but a majority of the commission appointed by the Senate to study the problem long held out for the optional payments. It was urged that a pension scheme with optional payments has been very successful for the past fifteen years in Belgium, and with a far lower cost to the state than a compulsory payment system would entail. But the majority of the commission and later the Senate finally yielded and voted the measure with the compulsory payment feature. In fact some sort of a pension law had been promised so long that its passage was a political obligation not to be escaped. At the final division in the Senate only three votes were recorded against the bill and only twenty senators were absent; but it is noteworthy that a very considerable number of senators mounted the tribune to explain why they voted for the bill and pessimistically to disclaim all responsibility for its results.

The consequences of this law can hardly be foreseen at present. It certainly concerns vitally about seventeen million French men and women whom it assures of financial assistance after their working days are over. If they subscribe from the time they start on their careers, it is estimated that after they are 65 years of age, the men may receive as much as \$82.50 a year and the women as much as \$55.00 a year. It was urged that this is not sufficient, but the supporters of the law in the chambers hinted openly that this law is only provisional, that it is only the entering wedge, and that the pensions will later be increased. Other critics of the law deplore its passage because of the enormous expense it will entail to a government already in financial difficulties. Authoritative statistics show that since 1871 the govern-

ment of France has had deficits amounting to an aggregate total of twelve billion francs, usually artfully concealed in various ways, and the government had to face a deficit of 200 million francs in the budget for 1910. It is estimated that this law will cost the state at least an additional hundred million francs a year and the estimates are almost certain to be exceeded. The law will cause the piling up of enormous capital in the state treasury and will lead to a multiplication of officials already all too numerous in France. Will the growth of officialdom and official regulations and the assurance to the worker that the bureaucratic state will care for his old age choke out the initiative and individual activity without which no nation can prosper? The conservatives fear the creation of a new social, political, and financial organization—a formidable tool in the hands of the party in power; but the socialists rejoice in it. The outcome is yet to be seen, for the law does not go into effect till after provision is made for it in the budget of 1911.

CLARENCE PERKINS.

Primary Elections—Illinois. The experience of Illinois in her effort to secure a constitutional direct primary law has been one of exceptional political travail. Three General Assemblies, in two regular and two special sessions, have wrestled with this problem, and enacted four successive primary election laws in a period of five years. Three of these acts, passed in 1905, 1906 and 1908, respectively, were each in turn held unconstitutional by the state Supreme Court.¹ The Governor then officially requested the members of the Supreme Court to aid the General Assembly by redrafting the primary law of 1908, "so as to eliminate there from all unconstitutional features." But they firmly declined the task as being outside the judicial sphere. However, the opinions in the three cases decided really afforded a very fair outline on which to base a constitutional statute. Thus with negative, if not with positive, judicial guidance, the fourth law was enacted in March, 1910, to become effective the first of July following.

This last and present primary law is, in all its main features, merely a replica of that of 1908.² The single trial of the latter was not sufficient warrant for grave changes, and the constitutional flaws were in the technical details rather than the broad general principles of the law. The easily alterable provision for placing the names of candidates on the ballot

¹ Am. Pol. Sci. Rev., II, 271-72; III, 561-62.

² *Ibid*, II, 417-21.